

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)

Phillip Pierre-Louis, M.D.)

File No. D2-1997-75630

Physician's and Surgeon's)
Certificate No. A 42426)

Respondent)
_____)

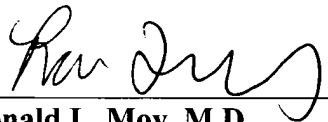
DECISION

The attached **Stipulated Surrender of License and Order** is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on January 24, 2005

IT IS SO ORDERED December 23, 2004

MEDICAL BOARD OF CALIFORNIA

By: 
Ronald L. Moy, M.D.,

Chair

Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
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8 Attorneys for Complainant

9 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**

11 In the Matter of the Accusation & Petition to
Revoke Probation Against:

12 PHILLIP PIERRE-LOUIS, M.D.
13 2322 College Avenue
14 San Bernardino, CA 92407

15 Physician's and Surgeon's Certificate
16 No. A 42426

17 Respondent.

Case No. D2-1997-75630

OAH No. L-2004080015

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. David T. Thornton (Complainant) is the Executive Director of the Medical
23 Board of California. He brought this action solely in his official capacity and is represented in
24 this matter by Bill Lockyer, Attorney General of the State of California, by Samuel K. Hammond,
25 Deputy Attorney General.

26 2. PHILLIP PIERRE-LOUIS, M.D. (Respondent) is representing himself in
27 this proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about January 6, 1986, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 42426 to PHILLIP PIERRE-LOUIS, M.D. (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought in Accusation & Petition to Revoke Probation No. D2-1997-75630 and will expire on May 31, 2005, unless renewed.

JURISDICTION

4. Accusation & Petition to Revoke Probation No. D2-1997-75630 was filed before the Division of Medical Quality, Medical Board of California (Division), and is currently pending against Respondent. The Accusation & Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on May 24, 2004. Respondent timely filed his Notice of Defense contesting the Accusation & Petition to Revoke Probation. A copy of Accusation & Petition to Revoke Probation No. D2-1997-75630 is attached as Exhibit A and incorporated herein by reference. On May 26, 2004, an Interim Suspension Order (ISO) was issued suspending Respondent from the practice of medicine. The ISO was issued, in part, because Respondent failed to fulfill the terms and conditions of the probation granted in Case No. D1-1997-75630. The ISO is still in effect.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation & Petition to Revoke Probation No. D2-1997-75630. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation & Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

1 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 CULPABILITY

4 8. Respondent presently suffers from depression and sleep apnea and is
5 unable to fulfill the terms and conditions of the probation granted in Case No. D1-1997-75630.
6 In order to avoid the expense and uncertainty of a hearing, respondent hereby surrenders
7 Physician's and Surgeon's Certificate No. A42426.

8 9. Respondent understands that by signing this stipulation he enables the
9 Division to issue an order accepting the surrender of his Physician's and Surgeon's Certificate
10 without further process.

11 CONTINGENCY

12 10. The parties understand and agree that facsimile copies of this Stipulated
13 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
14 and effect as the originals.

15 11. In consideration of the foregoing admissions and stipulations, the parties
16 agree that the Division may, without further notice or formal proceeding, issue and enter the
17 following Order:

18 ORDER

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate
20 No. A 42426, issued to Respondent PHILLIP PIERRE-LOUIS, M.D. is surrendered and
21 accepted by the Division.

22 12. The surrender of Respondent's Physician's and Surgeon's Certificate and
23 the acceptance of the surrendered license by the Board shall constitute the imposition of
24 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
25 become a part of Respondent's license history with the Board.

26 13. Respondent shall lose all rights and privileges as a physician and surgeon
27 in California as of the effective date of the Division's Decision and Order.

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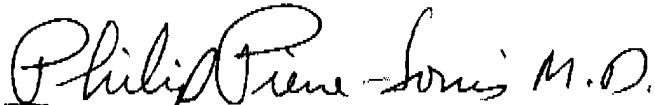
14. Respondent shall cause to be delivered to the Board both his wall and pocket Certificate on or before the effective date of the Decision and Order.

15. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation & Petition to Revoke Probation No. D2-1997-75630 shall be deemed to be true, correct and admitted by Respondent when the Division determines whether to grant or deny the application or petition. Respondent also understands and agrees that said application for relicensure or petition for reinstatement shall be filed at least two (2) years from the effective date of the Division's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Division.

DATED: 11/29/04

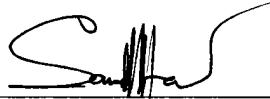

PHILLIP PIERRE-LOUIS, M.D.
Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully
3 submitted for consideration by the Division of Medical Quality, Medical Board of California,
4 Department of Consumer Affairs.

5
6 DATED: 11/29/04

7
8 BILL LOCKYER, Attorney General
9 of the State of California

10 

11 SAMUEL K. HAMMOND
12 Deputy Attorney General

13 Attorneys for Complainant

14 DOJ Matter ID: SD2004800452
15 80043486.wpd
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Exhibit A

Accusation & Petition to Revoke Probation No. D2-1997-75630

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
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Facsimile: (619) 645-2061

7 Attorneys for Complainant

8
9 **BEFORE THE**
10 **THE DIVISION OF MEDICAL QUALITY**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

11 In the Matter of the Accusation & Petition to
Revoke Probation Against:

12 **PHILIP PIERRE-LOUIS, M.D.**
13 5700 Lochmoor Drive, Apt. #44
Riverside, CA 92507

14 Physician's and Surgeon's Certificate No. A
15 42426

16 Respondent.

Case No. D2-1997-75630

**ACCUSATION
AND PETITION TO REVOKE
PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. David T. Thornton (Complainant) brings this Accusation solely in his
21 official capacity as the Interim Executive Director of the Medical Board of California.
22 2. On or about January 6, 1986, the Medical Board of California issued
23 Physician's and Surgeon's Certificate Number A 42426 to PHILIP PIERRE-LOUIS, M.D.
24 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times
25 relevant to the charges brought herein and will expire on May 31, 2005, unless renewed. In a
26 Decision and Order of the Division of Medical Quality, Medical Board of California, Department
27 of Consumer Affairs (Division) in Case No. 06-97-75630 effective March 31, 1999,
28 Respondent's certificate was revoked, but the revocation was stayed and the certification was

1 placed on four (4) years probation under specified terms and conditions. On November 20, 2002,
2 the Division filed Petition to Revoke Probation No. D1-1997-75630. In a Decision in Case D1-
3 1997-75630 effective on December 1, 2003, the Division extended by one year, the probation
4 previously granted Respondent, and imposed additional probationary terms and conditions.

5 JURISDICTION

6 3. This Accusation is brought before the Division under the authority of the
7 following laws. All section references are to the Business and Professions Code unless otherwise
8 indicated.

9 4. Section 2227 of the Code provides that a licensee who is found guilty
10 under the Medical Practice Act may have his or her license revoked, suspended for a period not
11 to exceed one year, placed on probation and required to pay the costs of probation monitoring, or
12 such other action taken in relation to discipline as the Division deems proper.

13 5. Section 2234 of the Code states:

14 "The Division of Medical Quality shall take action against any licensee who is
15 charged with unprofessional conduct. In addition to other provisions of this article,
16 unprofessional conduct includes, but is not limited to, the following:

17 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
18 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
19 the Medical Practice Act].

20 "....

21 "(d) Incompetence.

22 "(e) The commission of any act involving dishonesty or corruption which is
23 substantially related to the qualifications, functions, or duties of a physician and surgeon.

24 "(f) Any action or conduct which would have warranted the denial of a
25 certificate."

26 6. Section 125.3 of the Code provides, in pertinent part, that the Division
27 may request the administrative law judge to direct a licensee found to have committed a
28 ///

1 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation and enforcement of the case.

3 7. Section 2264 of the Code states:

4 "The employing, directly or indirectly, the aiding, or the abetting of any
5 unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in the
6 practice of medicine or any other mode of treating the sick or afflicted which requires a
7 license to practice constitutes unprofessional conduct."

8 8. Section 475(a)(3) of the Code states, in pertinent part, that the Medical
9 Board of California (Board) shall may deny the application for licensure to any applicant
10 commits any act involving dishonesty, fraud or deceit with the intent to substantially benefit
11 himself or another, or substantially injure another.

12 9. Section 480(a)(2) states, in pertinent part that the Board may deny the
13 application for license to any applicant has done any act involving dishonesty, fraud or deceit
14 with the intent to substantially benefit himself or another, or substantially injure another.

15 10. Section 14124.12 of the Welfare and Institutions Code states, in pertinent
16 part:

17 "(a) Upon receipt of written notice from the Medical Board of California, the
18 Osteopathic Medical Board of California, or the Board of Dental Examiners of California,
19 that a licensee's license has been placed on probation as a result of a disciplinary action,
20 the department may not reimburse any Medi-Cal claim for the type of surgical service or
21 invasive procedure that gave rise to the probation, including any dental surgery or
22 invasive procedure, that was performed by the licensee on or after the effective date of
23 probation and until the termination of all probationary terms and conditions or until the
24 probationary period has ended, whichever occurs first. This section shall apply except in
25 any case in which the relevant licensing board determines that compelling circumstances
26 warrant the continued reimbursement during the probationary period of any Medi-Cal
27 claim, including any claim for dental services, as so described. In such a case, the
28 ///

1 department shall continue to reimburse the licensee for all procedures, except for those
2 invasive or surgical procedures for which the licensee was placed on probation.”

3 11. This Accusation and Petition to Revoke probation are made in reference to
4 the Division’s Decision and Order in Case No. D1-1997-57630, effective December 1, 2003, by
5 which Respondent’s physician and surgeon’s certificate was placed on probation with certain
6 terms and conditions. The pertinent terms and conditions pertinent to the petition to revoke
7 probation are as follows:

8 A. TERM AND CONDITION “2” provided:

9 “CLINICAL TRAINING PROGRAM Respondent shall satisfactorily complete
10 the assessment portion of the Physician Assessment and Clinical Education
11 Program (PACE) offered at the University of San Diego - San Diego School of
12 Medicine (“Program”), on November 12-13, 2003.”

13 The Program shall consist of a Comprehensive Assessment program comprised of
14 a two-day assessment of Respondent’s mental and physical health; basic clinical and
15 communication skills common to all clinicians; medical knowledge, skill and judgment
16 pertaining to Respondent’s specialty or sub-specialty, and at a minimum, a 40 hour program of
17 clinical education in the area of practice in which Respondent was alleged to be deficient and
18 which takes into account data obtained from the assessment, Decision(s), Accusation(s), any
19 other information that the Division or its designee deems relevant. Respondent shall pay all costs
20 associated with the clinical training program.

21 Based on Respondent’s performance and test results in the assessment and clinical
22 education, the Program will advise the Division or its designee of its recommendation(s) for the
23 scope and length of any additional educational or clinical training, treatment for any medical
24 condition, treatment for any psychological condition, or any thing else affecting Respondent’s
25 practice of medicine. Respondent shall comply with Program recommendations.

26 At the completion of any additional educational or clinical training, Respondent
27 shall submit to and pass an examination. The Program’s determination whether or not
28 Respondent passed the examination or successfully completed the Program shall be binding.

1 Respondent shall complete the educational and/or training program recommended
2 by the PACE program at the first time it is offered following completion of his PACE
3 assessment in November 2003. The failure to complete either, or both, of these prongs of the
4 PACE program on the designated dates is a violation of probation in the absence of a division
5 approved excuse.

6 If Respondent fails to complete the clinical training program within the designated
7 time period, Respondent shall cease the practice of medicine within 72 hours of being notified by
8 the Division or its designee that Respondent failed to complete the training program."

9 B. TERM AND CONDITION "5" provided:

10 "OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all
11 rules governing the practice of medicine in California, and remain in compliance
12 with all court ordered criminal probation, payment, and other orders."

13 **CAUSES FOR DISCIPLINE AND REVOCATION OF PROBATION**

14 12. Respondent Philip Pierre-Louis, M.D., is subject to disciplinary action
15 and his probation is subject to revocation for unprofessional conduct in violation of Code
16 sections 2234(d), 2234(e), Code section 475(a)(3) in conjunction with Code section 2234(f),
17 Code section 480(a)(2) in conjunction with Code section 2234(f), and is subject to revocation of
18 probation as follows:

19 A. On November 12-13, 2003, Respondent took and completed the
20 assessment portion of the PACE program. The results of the assessment indicate Respondent
21 lacks the knowledge, training and clinical judgment to practice medicine with safety to the
22 public.

23 B. Beginning at some unknown time and continuing onto April 2, 2004,
24 Respondent employed an unlicensed person to work as a physician assistant at Respondent's
25 clinic located on 3402 Glendale Boulevard in Los Angeles.

26 C. Respondent's Drug Enforcement Administration (DEA) certificate expired
27 in March 2001. On or about January 22, 2004 and March 8, 2004, Respondent wrote two
28 prescriptions which were filled under Respondent's expired DEA certificate.

1 13. Respondent is subject to disciplinary action and his probation is subject to
2 revocation under section 2234(d) in that the results of his assessment by the PACE assessment
3 demonstrate he lacks the knowledge, training and clinical judgment to practice medicine with
4 safety to the public as alleged in paragraph 12, above.

5 14. Respondent is subject to disciplinary action and his probation is subject to
6 revocation under section 2234(e) in that he wrote two prescriptions by use of his expired DEA
7 certificate as alleged in paragraph 12, above.

8 15. Respondent is subject to disciplinary action and his probation is subject to
9 revocation under sections 475(a)(3) and 480(a)(2) in conjunction with Code section 2234(f) in
10 that he wrote two prescriptions by use of his expired DEA certificate as alleged in paragraph 12,
11 above.

12 16. Respondent is subject to disciplinary action and his probation is subject to
13 revocation under section 2264 in that he employed, directly or indirectly, aided and abetted the
14 unlicensed practice of medicine as alleged in paragraph 12, above.

15 17. The probation granted Respondent in Case No. D1-1997-75630 is subject
16 to revocation in that Respondent violated provisions of the Medical Practice Act and violated
17 laws and regulations pertaining the practice of medicine, as more particularly alleged in
18 paragraph 12, above.

19 18. To determine the degree of the penalty order to be imposed in this case,
20 complainant further alleges that on May 8, 1998, the Division filed Accusation No. 06-97-75630
21 against Respondent's Physician's and Surgeon's Certificate No. A 46426. In a Division's
22 Decision and Order effective March 31, 1999, Respondent's certificate was revoked, but the
23 revocation was stayed and the certificate was placed on four (4) years probation under specified
24 terms and condition, including the condition Respondent complete the PACE program within
25 120 days of the effective date of the decision. A certified copy each of the Accusation and
26 Decision and Order in Case No. 06-97-75630 are attached as Attachment 1.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Division issue a decision:

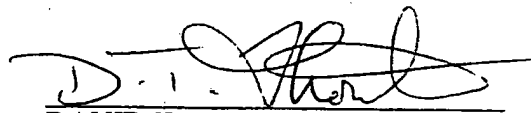
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A
5 42426, issued to PHILIP PIERRE-LOUIS, M.D.

6 2. Revoking, suspending or denying approval of PHILIP PIERRE-LOUIS's
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering PHILIP PIERRE-LOUIS to pay the Division the reasonable costs
9 of the investigation and enforcement of this case, and, if placed on probation, the costs of
10 probation monitoring;

11 4. Taking such other and further action as deemed necessary and proper.

12 DATED: May 24, 2004

13
14 
15 DAVID T. THORNTON
16 Interim Executive Director
17 Medical Board of California
18 State of California
19 Complainant

20 SD2004800452

21 PIERRE-LOUIS.ACC&PET TO REV
22
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Attachment 1

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

PHILIP B. PIERRE-LOUIS, M.D.)
Certificate No. A-42426)

No. : 06-97-75630

Respondent.)
_____)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the
Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on March 31, 1999.

IT IS SO ORDERED March 1, 1999.

By: Carole Hurvitz, M.D.
CAROLE HURVITZ, M.D.
Chair - Panel B
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
GLORIA A. BARRIOS (State Bar No. 94811)
Deputy Attorney General
California Department of Justice
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Los Angeles, California 90013-1233
Telephone: (213) 897-8854

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 06-97-75630
Against:)	
)	OAH No. L-1998080355
PHILIP B. PIERRE-LOUIS, M.D.,)	
11288 Vista Lane)	STIPULATED SETTLEMENT
El Monte, California)	AND
91731)	DISCIPLINARY ORDER
)	
Physician and Surgeon's Certificate)	
No. A-42426,)	
)	
Respondent.)	

IT IS HEREBY STIPULATED AND AGREED by and between the
parties to the above-entitled proceedings that the following
matters are true:

1. An Accusation in case number 06-97-75630 was filed
with the Division of Medical Quality, of the Medical Board of
California Department of Consumer Affairs (the "Division") on May
8, 1998, and is currently pending against Philip B. Pierre-Louis,
M.D. (the "respondent").

/ / /

1 2. The Accusation together with all statutorily
2 required documents, was duly served on the respondent on or about
3 July 8, 1998, and respondent filed his Notice of Defense
4 contesting the Accusation on or about July 22, 1998. A copy of
5 Accusation in case no. 06-97-75630 is attached as Exhibit "A" and
6 hereby incorporated by reference as if fully set forth.

7 3. Complainant, Ron Joseph, is the Executive Director
8 of the Medical Board of California and brought this action solely
9 in his official capacity. The Complainant is represented by the
10 Attorney General of California, Bill Lockyer, by and through
11 Deputy Attorney General Gloria A. Barrios.

12 4. At all times relevant herein, respondent has been
13 licensed by the Medical Board of California under Physician and
14 Surgeon Certificate No. A-42426.

15 5. Respondent is represented in this matter by
16 Russell Iungerich, whose address is 3580 Wilshire Blvd., Suite
17 1920, Los Angeles, California 90010-2520.

18 6. Respondent and his attorney have fully read and
19 discussed the charges contained in the Accusation in case no.
20 06-97-75630. Respondent has been fully advised regarding his
21 legal rights and the effects of this Stipulated Settlement and
22 Disciplinary Order.

23 7. Respondent understands the nature of the charges
24 alleged in the Accusation and that, if proven at hearing, the
25 charges and allegations would constitute cause for imposing
26 discipline upon his Physician and Surgeon's Certificate.
27 Respondent is fully aware of his right to a hearing on the

1 charges contained in the Accusation, his right to confront and
2 cross-examine witnesses against him, his right to the use of
3 subpoenas to compel the attendance of witnesses and the
4 production of documents in both defense and mitigation of the
5 charges, his right to reconsideration, court review and any and
6 all other rights accorded by the California Administrative
7 Procedure Act and other applicable laws.

8 8. Respondent knowingly, voluntarily and irrevocably
9 waives and gives up each of these rights.

10 9. For the purpose of resolving Accusation case no.
11 06-97-75630 without the expense and uncertainty of further
12 proceedings, respondent agrees that, at a hearing, complainant
13 could establish a factual basis for the charges in the
14 Accusation, and that respondent hereby gives up his right to
15 contest those charges.

16 10. Compelling circumstances exist that warrant
17 continued Medi-Cal reimbursement during the probationary period.

18 a. A high percentage of respondent's practice is
19 treatment of indigent patients under the Medi-Cal program.

20 b. Respondent will not perform any Medi-Cal
21 reimbursed abortions.

22 11. Respondent agrees that his license is subject to
23 discipline pursuant to section 2234 of the Code, as set forth
24 above in paragraph 3B. Respondent agrees to be bound by the
25 Division's imposition of discipline as set forth in the Order
26 below.

27 12. Based on the foregoing admissions and stipulated

1 matters, the parties agree that the Division shall, without
2 further notice or formal proceeding, issue and enter the
3 following order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician and Surgeon's
6 Certificate number A-42426 issued to Philip B. Pierre-Louis,
7 M.D., is revoked. However, the revocation is stayed and
8 respondent is placed on probation for 4 years on the following
9 terms and conditions. Within 15 days after the effective date of
10 this decision the respondent shall provide the Division, or its
11 designee, proof of service that respondent has served a true copy
12 of this decision on the Chief of Staff or the Chief Executive
13 Officer at every hospital where privileges or membership are
14 extended to respondent or where respondent is employed to
15 practice medicine and on the Chief Executive Officer at every
16 insurance carrier where malpractice insurance coverage is
17 extended to respondent.

18 1. **PACE PROGRAM** Take and pass the PACE Program or
19 any other clinical program and a medical records/charting course
20 if not covered by PACE at the discretion of the Division.
21 Respondent shall begin the program no sooner than 60 days and no
22 later than 120 days from the effective date of this Agreement.

23 2. **OBEY ALL LAWS** Respondent shall obey all federal,
24 state and local laws, all rules governing the practice of
25 medicine in California, and remain in full compliance with any
26 court ordered criminal probation, payments and other orders.

27 ///

1 3. QUARTERLY REPORTS Respondent shall submit
2 quarterly declarations under penalty of perjury on forms provided
3 by the Division, stating whether there has been compliance with
4 all the conditions of probation.

5 4. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent
6 shall comply with the Division's probation surveillance program.
7 Respondent shall, at all times, keep the Division informed of his
8 business and residence addresses which shall both serve as
9 addresses of record. Changes of such addresses shall be
10 immediately communicated in writing to the Division. Under no
11 circumstances shall a post office box serve as an address of
12 record.

13 Respondent shall also immediately inform the Division,
14 in writing, of any travel to any areas outside the jurisdiction
15 of California which lasts, or is contemplated to last, more than
16 thirty (30) days.

17 5. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED
18 PHYSICIAN(S) Respondent shall appear in person for interviews with
19 the Division, its designee or its designated physician(s) upon
20 request at various intervals and with reasonable notice.

21 6. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-
22 PRACTICE In the event respondent should leave California to
23 reside or to practice outside the State or for any reason should
24 respondent stop practicing medicine in California, respondent
25 shall notify the Division or its designee in writing within ten
26 (10) days of the dates of departure and return or the dates of
27 non-practice within California. Non-practice is defined as any

1 period of time exceeding thirty (30) days in which respondent is
2 not engaging in any activities defined in Sections 2051 and 2052
3 of the Business and Professions Code. All time spent in an
4 intensive training program approved by the Division or its
5 designee shall be considered as time spent in the practice of
6 medicine. Periods of temporary or permanent residence or
7 practice outside California or of non-practice within California,
8 as defined in this condition, will not apply to the reduction of
9 the probationary period.

10 7. COMPLETION OF PROBATION Upon successful completion
11 of probation, respondent's certificate shall be fully restored.

12 8. VIOLATION OF PROBATION If respondent violates
13 probation in any respect, the Division, after giving respondent
14 notice and the opportunity to be heard, may revoke probation and
15 carry out the disciplinary order that was stayed. If an
16 accusation or petition to revoke probation is filed against
17 respondent during probation, the Division shall have continuing
18 jurisdiction until the matter is final, and the period of
19 probation shall be extended until the matter is final.

20 9. COST RECOVERY The respondent is hereby ordered to
21 reimburse the Division the amount of \$5,000.00 within two years
22 of the effective date of this decision for its investigative and
23 prosecution costs. Failure to reimburse the Division's cost of
24 investigation and prosecution shall constitute a violation of the
25 probation order, unless the Division agrees in writing to payment
26 by an installment plan because of financial hardship. The filing
27 of bankruptcy by the respondent shall not relieve the respondent

1 of his responsibility to reimburse the Division for its
2 investigative and prosecution costs.

3 10. PROBATION COSTS Respondent shall pay the costs
4 associated with probation monitoring each and every year of
5 probation, which are currently set at \$2,304.00 but may be
6 adjusted on an annual basis. Such costs shall be payable to the
7 Division of Medical Quality and delivered to the designated
8 probation surveillance monitor at the beginning of each calendar
9 year. Failure to pay costs within 30 days of the due date shall
10 constitute a violation of probation.

11 11. LICENSE SURRENDER Following the effective date of
12 this decision, if respondent ceases practicing due to retirement,
13 health reasons or is otherwise unable to satisfy the terms and
14 conditions of probation, respondent may voluntarily tender his
15 certificate to the Board. The Division reserves the right to
16 evaluate the respondent's request and to exercise its discretion
17 whether to grant the request, or to take any other action deemed
18 appropriate and reasonable under the circumstances. Upon formal
19 acceptance of the tendered license, respondent will not longer be
20 subject to the terms and conditions of probation.

21 CONTINGENCY

22 This stipulation shall be subject to the approval of
23 the Division of Medical Quality. Respondent understands and
24 agrees that Board staff and counsel for complainant may
25 communicate directly with the Division regarding this stipulation
26 and settlement, without notice to or participation by respondent
27 or his counsel. If the Division fails to adopt this stipulation

1 as its Order, the stipulation shall be of no force or effect, it
2 shall be inadmissible in any legal action between the parties,
3 and the Division shall not be disqualified from further action in
4 this matter by virtue of its consideration of this stipulation.

5 ACCEPTANCE

6 I have read the above Stipulated Settlement and
7 Disciplinary Order. I have fully discussed the terms and
8 conditions and other matters contained therein with my attorney,
9 Russell Iungerich. I understand the effect this Stipulated
10 Settlement and Disciplinary Order will have on my Physician and
11 Surgeon's Certificate, and agree to be bound thereby. I enter
12 this stipulation freely, knowingly, intelligently and
13 voluntarily.

14 DATED: 1/26/99.

15
16 Philip B. Pierre-Louis
17 PHILIP B. PIERRE-LOUIS, M.D.
18 Respondent

19 I have read and fully discussed the terms and
20 conditions and other matters contained in the above Stipulated
21 Settlement and Disciplinary Order with respondent Philip B.
22 Pierre-Louis, M.D., and approve of its form and content.

23 DATED: 1/26/99.

24
25 Russell Iungerich
26 Russell Iungerich
27 Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary
3 Order is hereby respectfully submitted for the consideration of
4 the Division of Medical Quality, Medical Board of California
5 Department of Consumer Affairs.

6 DATED: 2/1/99.

7
8 BILL LOCKYER, Attorney General
of the State of California

9 

10 GLORIA A. BARRIOS
11 Deputy Attorney General

12 Attorneys for Complainant
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15 Exhibit: Accusation
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1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 GLORIA A. BARRIOS, STATE BAR NO. 94811
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1204
Telephone: (213) 897-8854

5 Attorneys for Complainant
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 8 19 98
BY MA ANALYST

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

NO. 06-97-75630

PHILIP B. PIERRE-LOUIS, M.D.)
11288 Vista Lane)
El Monte, Ca. 91731)

ACCUSATION

Physician and Surgeon's)
Certificate No. A 42426)

Respondent.)

The Complainant alleges:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director
of the Medical Board of California (hereinafter the "Board") and
brings this accusation solely in his official capacity.

2. On or about January 6, 1986, Physician and
Surgeon's Certificate No. A 42426 was issued by the Board to
Philip B. Pierre-Louis, M.D. (hereinafter "respondent"), and at
all times relevant to the charges brought herein, this license
has been in full force and effect. Unless renewed, it will

1 expire on May 31, 1999. Respondent is also a supervisor of a
2 physician assistant, Physician Assistant Supervisor License No.
3 SA 17632. Said license is delinquent with an expiration date of
4 May 31, 1995.

5 JURISDICTION

6 3. This accusation is brought before the Division of
7 Medical Quality of the Medical Board of California, Department of
8 Consumer Affairs (hereinafter the "Division"), under the
9 authority of the following sections of the California Business
10 and Professions Code (hereinafter "Code"):

11 A. Section 2227 of the Code provides:

12 "(a) A licensee whose matter has been heard by an
13 administrative law judge of the Medical Quality Hearing
14 Panel as designated in section 11371 of the Government Code,
15 or whose default has been entered, and who is found guilty
16 may, in accordance with the provisions of this chapter:

17 "(1) Have his or her license revoked upon
18 order of the division.

19 "(2) Have his or her right to practice
20 suspended for a period not to exceed one year upon
21 order of the division.

22 "(3) Be placed on probation upon order of
23 the division.

24 "(4) Be publicly reprimanded by the
25 division.

26 "(5) Have any other action taken in relation
27 to discipline as the division or an administrative

1 law judge may deem proper.

2 "(b) Any matter heard pursuant to subdivision (a),
3 except for warning letters, medical review or advisory
4 conferences, or other matters made confidential or
5 privileged by existing law, is deemed public, and shall be
6 made available to the public by the board."

7 B. Section 2234 of the Code provides:

8 "The Division of Medical Quality shall take action against
9 any licensee who is charged with unprofessional conduct. In
10 addition to other provisions of this article, unprofessional
11 conduct includes, but is not limited to, the following:

12 ". . . .

13 "(b) Gross negligence.

14 ". . . .

15 "(d) Incompetence.

16 ". . . .

17 C. Section 2266 of the Code provides:

18 "The failure of a physician and surgeon to maintain adequate
19 and accurate records relating to the provision of services
20 to their patients constitutes unprofessional conduct."

21 D. Section 125.3 of the Code provides, in part,
22 that the Board may request the administrative law judge to
23 direct any licentiate found to have committed a violation or
24 violations of the licensing act, to pay the Board a sum not
25 to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 E. Section 16.01 of the 1997/98 Budget Act of the

1 State of California provides, in pertinent part, that:

2 (a) no funds appropriated by this act may be
3 expended to pay any Medi-Cal claim for any service performed
4 by a physician while that physician's license is under
5 suspension or revocation due to a disciplinary action of the
6 Medical Board of California; and

7 (b) no funds appropriated by this act may be
8 expended to pay any Medi-Cal claim for any surgical service
9 or other invasive procedure performed on any Medical-Cal
10 beneficiary by a physician if that physician has been placed
11 on probation due to a disciplinary action of the Medical
12 Board of California related to the performance of that
13 specific service or procedure on any patient, except in any
14 case where the board makes a determination during its
15 disciplinary process that there exist compelling
16 circumstances that warrant continued Medi-Cal reimbursement
17 during the probationary period.

18 **FIRST CAUSE OF ACTION**

19 (Gross Negligence)

20 4. Respondent Philip B. Pierre-Louis, M.D., is subject
21 to disciplinary action under section 2234, subdivision (b), of
22 the Business and Professions Code in that he committed gross
23 negligence in the care, treatment and management of patient
24 Q.J.^{1/} The circumstances are as follows:

25
26 1. All patient references in this pleading are by
27 initials only. The true names of the patient shall be revealed
to respondent upon his request for discovery pursuant to
Government Code section 11507.6.

1 A. On or about April 25, 1997, patient Q.J., then
2 17 years of age, went to the Venice Western Medical Group
3 (Venice) for an abortion. The patient's history was taken;
4 the patient was given a physical. Arrangements for patient
5 Q.J. to obtain an abortion were made.

6 B. On or about May 1, 1997, patient Q.J. went to Los
7 Angeles Metropolitan Medical Center (LAMMC) for an abortion
8 to be performed by respondent, pursuant to the arrangements
9 made at Venice. At LAMMC a nurse took patient Q.A.'s blood
10 pressure. Patient Q.J. was anesthetized. Patient Q.A. was
11 approximately 14-15 weeks gestation.

12 C. Respondent began to perform an abortion on patient
13 Q.J. by dilation and curettage. During the procedure,
14 respondent perforated patient Q.J.'s uterus. Respondent
15 also injured approximately three to five feet of patient
16 Q.J.'s intestine. Respondent had to summon another
17 physician to perform corrective surgery and complete the
18 abortion on patient Q.J. Patient Q.J. had to remain at
19 LAMMC for 12 days, postoperatively, with at least nine days
20 in intensive care.

21 D. Respondent deviated from the standard of care
22 including, but not limited to, the following;

- 23 (1) Failed to obtain a preoperative patient
24 consent;
25 (2) Failed to give patient a preoperative
26 physical;
27 (3) Failed to obtain a preoperative history;

- 1 (4) Failed to assess the size and position
2 of patient Q.J.'s uterus;
3 (5) Perforated patient's uterus;
4 (6) Used surgical forceps;
5 (7) Pulled out patient's intestines; and
6 (8) Failed to dictate an operative and post
7 operative reports.

8 **SECOND CAUSE OF ACTION**

9 (Incompetence)

10 5. Respondent Philip B. Pierre-Louis, M.D., is subject
11 to disciplinary action under section 2234, subdivision (d) of the
12 Business and Professions Code in that he was incompetent in the
13 care, treatment and management of patient Q.J. The circumstances
14 are as follows:

15 A. Complainant hereby incorporates by reference
16 paragraphs 4, A through D.

17 **THIRD CAUSE OF ACTION**

18 (Failure to Keep Adequate Records)

19 6. Respondent Philip B. Pierre-Louis, M.D., is subject
20 to disciplinary action under section 2266 of the Business and
21 Professions Code in that he failed to keep adequate and accurate
22 records relating to the provision of his medical services to
23 patient Q.J. The circumstances are as follows:

24 A. Complainant hereby incorporates by reference
25 paragraphs 4, A through D.

26 / / /

27 / / /

1 FOURTH CAUSE OF ACTION

2 (Unprofessional Conduct)

3 7. Respondent Philip B. Pierre-Louis, M.D., is subject
4 to disciplinary action under section 2234 of the Business and
5 Professions Code in that he engaged in unprofessional conduct
6 throughout the care, treatment and management of patient Q.J.
7 The circumstances are as follows:

8 A. Complainant hereby incorporates by reference
9 paragraphs 4, A through D.

10 PRAYER

11 WHEREFORE, the complainant requests that a hearing be
12 held on the matters herein alleged, and that following the
13 hearing, the Division issue a decision:

14 1. Revoking or suspending Physician and Surgeon's
15 Certificate Number A 42426, heretofore issued to respondent
16 Philip B. Pierre-Louis, M.D.;

17 2. Revoking or suspending respondent's Physician
18 Assistant Supervisor License No. SA 17632;

19 3. Ordering respondent to pay the Division the actual
20 and reasonable costs of the investigation, probation monitoring
21 if applicable and enforcement of this case; and

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

1 4. Taking such other and further action as the
2 Division deems necessary and proper.

3 DATED: May 8, 1998.

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7 _____
8 RON JOSEPH
9 Executive Director
10 Medical Board of California
11 Department of Consumer Affairs
12 State of California

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27 Complainant